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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,878	06/07/2005	Joannes Gregorius Bremer	NL 021260	8410
24737	7590	05/05/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SHAH, SAMIR M	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/537,878

Applicant(s)

BREMER ET AL.

Examiner

Samir M. Shah

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/24/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/7/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see page 10/14, filed on 4/24/2006, with respect to the Specification, drawings (figure 1) and claim 9 have been fully considered and are persuasive. The objection of the Specification, drawings (figure 1) and claim 9 has been withdrawn.
2. Applicant's arguments filed on 4/24/2006 have been fully considered but they are not persuasive. On page 11/14 of the Applicant's remarks, it is stated that "Hutchings teaches a continuous monitoring and processing of the sensor signals...a device that monitors and processes sensor signals on a continuous basis...the device of Hutchings must continuously monitor and process the sensor signals..."

However, Hutchings clearly discloses discontinuous monitoring and processing of the sensor signals (see column 25, lines 1-25 in correspondence to figure 16). Note that the device of Hutchings is "at rest for the beginning" of a cycle and processor (52) prepares signals, as a new discrete cycle begins, to be passed through unit (54) to microprocessor (56), which in turn, begins the calculations (processing) after receiving these signals.

Moreover, it is well known in the field of the invention that the word "discrete" (Hutchings - column 4, lines 20-25) means "not continuous" (please refer to first page of "Answers.com" - discrete - dictionary, meanings 1, 2 and 3)

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutchings et al. (US Patent 6,122,960 henceforth "Hutch").

As to claim 1, Hutch discloses a system for measuring movement of objects including a measurement unit (49) with a plurality of motion sensors/accelerometers operable to produce respective sensor signals indicative of motion/acceleration experienced thereby (column 27, lines 13-20); a processor (52)/microprocessor (56) operable to receive the sensor signals from the measurement unit and to process the sensor signals (measure a distance traversed and the speed of said object) in accordance with a predetermined method (column 24, lines 16-22; column 25, lines 60-61; column 27, lines 29-37), characterized in that the activity monitor/system for measuring movements of objects is operable to monitor and process the sensor signals discontinuously in time/during plurality of measurement cycles (column 27, line 20) (wherein "a cycle is a period of time over which a discrete/discontinuous measurement is made") (column 4, lines 22-24).

As to claim 2, Hutch discloses that the measurement unit (49) is operable to output the sensor/acceleration signals discontinuously in time/during plurality of cycles (column 25, lines 3-7).

As to claim 3, Hutch discloses that the processor (52)/microprocessor (56) is operable to monitor the sensor signals discontinuously in time/during plurality of cycles (column 25, lines 3-10).

As to claim 9, Hutch discloses a method for measuring motion characteristics of a moving object including a plurality of motion sensors/accelerometers which are operable to produce respective sensor/acceleration signals indicative of motion experienced thereby (column 28, lines 30-35); a processor (52)/microprocessor (56) receiving the sensor/acceleration signals and processing the signals in accordance with a predetermined method (measuring a distance traversed and the speed of an object) (column 24, lines 16-22; column 25, lines 60-61; column 27, lines 29-37), characterized in that the sensor/acceleration signals are monitored and processed discontinuously in time/during plurality of measurement cycles (column 27, line 20).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 4-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutch as applied to claims 1, 2, 3 and 9 above, and further in view of Depeursinge et al. (US Patent 6,201,476 B1 henceforth "Depe") or "a continuous patient activity monitor: validation and relation to disability" (Walker et al. henceforth "Walker").

As to claims 5-8 and 10-12, Hutch fails to disclose that the processor (52)/microprocessor (56) is operable to enter a monitoring mode of operation in which the processor monitors the sensor signals and to enter a standby mode of operation in which no monitoring takes place, either alternately or for respective time periods.

Depe discloses a device for monitoring the activity of a person, including a processor/unit (9), wherein to save power consumption of his monitoring device, unit (9)

is put in a standby mode of operation (in which no monitoring takes place if no dynamic changes in the acceleration signals are detected) for a given time period, or else unit (9) is monitoring the sensor signals (which could be called a monitoring mode of operation) (figures 1, 3; column 4, lines 8-11).

Walker discloses an activity monitor including a system for sampling accelerometer information/signals, wherein to conserve batteries, the system switches itself off and hence no accelerometer information is being sampled (standby mode of operation); however, during these periods the system switches on during a predetermined time period to check whether any activity has occurred (monitoring mode of operation) (page 51, lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to put Hutch's processor (52)/microprocessor (56) in a standby mode when it's not in a monitoring mode of operation, in order to save power consumption of Hutch's system as suggested by Depe or to make Hutch's processor (52)/microprocessor (56) operable to enter the monitoring mode and the standby mode alternately as suggested by walker.

As to claims 7 and 11, Walker teaches that the respective time periods for the monitoring and standby modes of his system can be variable (page 51, lines 16-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a variable time period for monitoring and standby modes in Hutch's processor (52)/microprocessor (56) as suggested by Walker.

As to claims 8 and 12, Depe teaches that the respective time periods for the monitoring and standby modes of unit (9) or the sampling rate of his monitoring device is fixed (column 2, lines 66-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a fixed time period for monitoring and standby modes in Hutch's processor (52)/microprocessor (56) as suggested by Depe.

As to claims 4 and 13, Hutch fails to disclose that the processor (52)/microprocessor (56) is operable to monitor the sensor signals in turn.

Depe teaches that his processor/signal processing circuit (6) samples/monitors the sensor/acceleration signals successively in turn, i.e. at a predetermined sampling rate (column 2, lines 66-67; column 3, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Hutch's processor (52)/microprocessor (56) operable to monitor the sensor signals successively in turn as taught by Depe because this would improve the processing speed and help to get rid of monitoring/calculating errors due to undesirable overlap of two sensor signals.

### ***Conclusion***

7. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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5/2/2006

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